

## SENATE BILL NO. 443

INTRODUCED BY ROUSH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MOTOR VEHICLE INSURANCE PREMIUM REDUCTIONS FOR MONTANA NATIONAL GUARD ~~AND MILITARY RESERVE~~ MEMBERS TRAINED IN DEFENSIVE DRIVING; EXPANDING THE DEFINITION OF "HIGHWAY TRAFFIC SAFETY PROGRAM" TO INCLUDE CERTAIN DEFENSIVE DRIVING TRAINING PROGRAMS; AND AMENDING SECTIONS 33-16-203 AND 61-2-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Rate reduction for military defensive drivers -- effective period -- exclusions.** (1)(a) Any rates, rating schedules, or rating manuals for liability, bodily injury, or collision coverages of a motor vehicle insurance policy filed with the insurance department must provide for an appropriate premium reduction as determined by the insurer for a member of the Montana national guard ~~OR THE MILITARY RESERVES OF THE UNITED STATES ARMED FORCES~~ who is an insured operator of a covered nonmilitary vehicle and who has successfully completed a defensive driving course referred to in 61-2-102(2).

(b) Any discount used by the insurer is presumed appropriate unless credible data demonstrates otherwise.

(2) The premium reduction required under subsection (1)(a) is effective for an insured for 2 years after successful completion of the approved course. Each person shall successfully complete a defensive driving course referred to in 61-2-102(2) every 2 years to remain eligible for the reduction provided in subsection (1)(a).

(3) Subsection (1)(a) does not apply if the approved course is taken as punishment specified by a court or other governmental entity for a moving traffic violation.

(4) An insurer may deny the discount under subsection (1)(a) if within 3 years prior to the insured's application for the rate reduction or during the period for which the rate reduction is provided:

(a) the insured was convicted of or plead guilty or nolo contendere to a moving traffic violation;

(b) the insured has forfeited bail or collateral for a moving traffic violation; or

(c) the insured was convicted by a court or found at fault in a motor vehicle accident.

**Section 2.** Section 33-16-203, MCA, is amended to read:

**"33-16-203. Rates filed.** (1) Every insurer, rating organization, or advisory organization shall file with the commissioner all rates intended for use within this state, together with supporting data sufficient to substantiate ~~such~~ the filing. The filing required by this subsection may be made by rating organizations on behalf of their members and subscribers; ~~but.~~ However, this provision does not prohibit a member or subscriber from filing ~~any such~~ rates on its own behalf. Any deviations from a rating organization's rates by a member or subscriber must be filed with the commissioner and must be accompanied by supporting data.

(2) ~~In accordance with 33-16-222, rates~~ Rates filed must provide for a premium reduction to:

(a) qualified insured operators 55 years of age or older in accordance with 33-16-222; or

(b) qualified members of the Montana national guard OR THE MILITARY RESERVES OF THE UNITED STATES ARMED FORCES in accordance with [section 1]."

**Section 3.** Section 61-2-102, MCA, is amended to read:

**"61-2-102. Definitions.** Unless the context requires otherwise, in this part, the following definitions apply:

(1) "Department" means the department of transportation.

(2) "Highway traffic safety program" means a program designed to reduce traffic accidents, deaths, injuries to persons, and damage to property. The program must be in accordance with uniform ~~standards established by the secretary of commerce of the United States under~~ guidelines established pursuant to Title 23, U.S.C. 402, as amended, and may include defensive driving programs administered by the entity designated by the governor in 61-2-103. Nothing in this part restricts or prohibits the establishment of standards that enlarge or implement the federal standards.

(3) "Political subdivisions" means each county, incorporated city or town, and school district within the boundaries of the state."

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 33, chapter 16, part 2, and the provisions of Title 33, chapter 16, part 2, apply to [section 1].

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